



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION IX  
75 Hawthorne Street  
San Francisco, CA 94105-3901

MAR 3 2017

VIA CERTIFIED MAIL: 7016 1370 0000 0749 0661; 7016 1370 0000 0748 9887; 7016 1370 0000 0749 0180: Return Receipts Requested

Access CIG, LLC (dba: Access Information Protected, LLC)  
c/o: Lucy B. Jenkins, Esq.  
Jones Waldo Holbrooke & McDonough  
170 South Main Street, Suite 1500  
Salt Lake City, UT 84101 (Cert. Mail: 7016 1370 0000 0749 0661)

Fileminders of Hawaii, LLC  
c/o: National Corporate Research, LTD.  
1188 Bishop St., Ste 2212  
Honolulu, HI 96813 (Cert. Mail: 7016 1370 0000 0748 9887)

AND

Hawaii MMGD, LLC  
c/o: Jan Yokota, Vice President, Pacific Region  
The RMR Group, LLC  
220 South King Street, Suite 2150  
Honolulu, HI 96813 (Cert. Mail: 7016 1370 0000 0749 0180)

Re: Access Information Protected, Access Kapolei Record Center, 91-238 Kauai St.,  
Kapolei, HI, Safe Drinking Water Act Violations - Large Capacity Cesspool

To Addressees:

The U.S. Environmental Protection Agency (EPA) has identified at least one large capacity cesspool (LCC) at the Access Kapolei Record Center, 91-238 Kauai St., Kapolei (the Property) that has not been closed in accordance with the Underground Injection Control (UIC) Program regulations at 40 C.F.R. Part 144 promulgated pursuant to the Safe Drinking Water Act (Act) 42 U.S.C. § 300f *et seq.* The regulations required owners and/or operators of LCCs to close them by April 5, 2005. 40 C.F.R. § 144.88. EPA has determined that Access CIG, LLC (dba: Access Information Protected), Fileminders of Hawaii, LLC and Hawaii MMGD, LLC (collectively Respondents), as the current operators and owner of LCCs at the Property, are liable under the SDWA for failing to have closed at least one LCC.

The Act provides that a violator is subject to civil penalties of up to \$54,789 for each day for each violation. 42 U.S.C. § 300h-2(b); 40 C.F.R. § 19.4. Alternatively, pursuant to Section 1423(c)(1) of the

Act, 42 U.S.C. § 300h-2(c)(1), and 40 C.F.R. § 19.4, EPA may issue an order requiring compliance and assessing an administrative civil penalty for violations of up to \$21,916 for each day for each violation, up to a maximum penalty of \$273,945, against any person who violates the SDWA or any requirement of an applicable UIC program. Pursuant to its authority under Section 1423(c) of the Act, 42 U.S.C. § 300h-2, EPA Region IX's Enforcement Division is preparing to issue an administrative complaint to Respondents that will seek compliance with the LCC closure requirements for at least one LCC, and an administrative penalty of up to \$273,945.

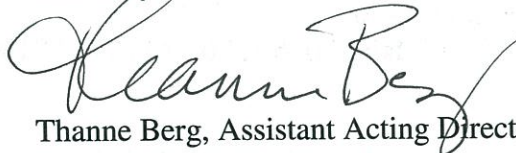
If you would like to discuss settlement, please contact Rich Campbell in our Office of Regional Counsel at (415) 972-3870 or by email at [campbell.rich@epa.gov](mailto:campbell.rich@epa.gov).

Settlement provides an opportunity for efficient and expedited resolution of this matter; therefore you or your representatives must contact Mr. Campbell by **April 26, 2017** if you are interested in pursuing settlement. Should you fail to contact EPA by this date, or should you not agree to discuss a proposed settlement, EPA Region 9's Enforcement Division will proceed with filing the administrative complaint in this matter.

We also wish to inform you that if either Hawaii MMGD, LLC, or Access CIG, LLC, are a small business, the Small Business Regulatory Enforcement and Fairness Act provides such businesses with the opportunity to submit comments on regulatory enforcement at the time of an EPA enforcement action. The enclosed Information Sheet provides information on this right, as well as information on compliance assistance that may be available to you. The Small Business Ombudsman may be reached at 1-800-368-5888.

We appreciate your cooperation and prompt attention to this matter.

Sincerely,



Thanne Berg, Assistant Acting Director  
Water & Pesticides Branch  
Enforcement Division

cc (w/out enclosure): Sina Pruder, Hawaii Department of Health, WWB  
Chauncey Hew, Hawaii Department of Health, SDWB